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MORALS, MANNERS, FASHION, AND AMUSEMENTS.

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REVIEW OF BOOKS.

1. *A Report of the Proceedings against Abraham Thornton; at Warwick Summer Assizes, 1817, for the Murder of Mary Ashford; and, subsequently, in the Court of King's Bench, in an Appeal of the said Murder.* By John Cooper. 8vo. pp. 141. Warwick. 1818.

2. *An Investigation of the Case of Abraham Thornton, &c.* By an Attorney at Law. 8vo. London. 1818.

3. *Observations upon the Case of Abraham Thornton, who was Tried at Warwick, Aug. 8, 1817, for the Murder of Mary Ashford; showing the Danger of Pressing Presumptive Evidence too far, together with the only True and Authentic Account yet published of the Evidence given at the Trial, the Deposition of the Prisoner, &c. and a Correct Plan of the Locus in quo.* By a Student at Law. 8vo. pp. 83. London. 1819.

THOUGH the guilt or innocence of Abraham Thornton is a question which has nothing really to do with the merits of the Appeal to Battle (or Appeal of Murder) which was brought by William Ashford, and was, therefore, not at all agitated by Mr. Kendall, in his Argument for the right of the Appellee to defend himself by Battle, and against the permission of Second Criminal Trials, by means of the Appeal of Murder; yet, as all public questions are much more frequently decided by the voice of passion, than by the pure force of reason; that is, as men more commonly decide according to their prejudices upon this or that particular case, than according to those broad and general views to which Partridge would have given the name of "the unalterable rule of right; and the eternal fitness of things;—for this reason, we say, we think that a good service has been rendered to the country, by the "Student at Law" the author of the book whose title page is the third in the list above, and who, in condescension to popular infirmity, has brought forward a true history and new view of Abraham Thornton's case, in anticipa-

tion of a parliamentary discussion of the law of Appeal of Murder and Trial by Battle. We cannot, indeed, (on the grounds above assigned,) go the length of agreeing with this very respectable writer, when he says, "A correct account, therefore, of the evidence given upon the trial of that case*, which has not, that I know of, yet been submitted to the public, as well as a due consideration of the effect of that evidence, and of the several points established by it, are evidently requisite towards forming a just opinion upon the result of that trial, and may be of use in determining upon the expediency or in expediency of abolishing altogether the right of appeal, or the trial by battle only, or at least in judging of the weight of the arguments against or in favour of the abolition of that right, in whole or in part." But he has our cordial assent to a similar proposition, more advisedly worded, with which he opens his preface:—

"It is probable that the Attorney-General will, early in the ensuing session of Parliament, make his motion, (of which he gave notice in the last session,) respecting Appeals of Murder and Rape. The case of Abraham Thornton will, it may be expected, upon that occasion be adverted to, and I have no doubt from the general opinion which seems to have been (though I trust I shall, in the following pages, convince the reader, erroneously), formed upon the result of that

* "The fullest account of the trial yet published, that I have seen, is one by an attorney-at-law, entitled, 'An Investigation of the Case of Abraham Thornton.' Notwithstanding the following assertions, amongst others of the like kind, of the Editor of that work:—'Having collected the necessary documents for the undertaking, I sat down to it with a mind free from any bias, except on the side of justice tempered with mercy. Far be it from me to distort circumstances merely with a view to crimination: my researches shall be only for the truth.'—I say, notwithstanding these assertions, the Editor certainly has, I trust not designedly, omitted altogether many very material parts of the evidence given at the trial, misrepresented other parts, and put in the mouth of the learned Judge, in his summing up, declarations, which his Lordship really never made. That part of the evidence omitted and misrepresented in the publication alluded to, I shall notice in the detail of it."

case, that Thornton's acquittal will be urged by many Members of the Legislature, as an argument in favour of Appeals. But, before that case is commented upon, it appears to me to be highly expedient that the public should, by a faithful and authentic account of the evidence given at the trial, be made fully acquainted with all the facts of that lamentable case. All the publications hitherto upon the subject that I have any knowledge of, have consisted of garbled statements, misrepresentations, and suppressions of the evidence, and of the learned judge's summing up. I am convinced, that the opinion the public have formed has been founded upon those statements. My aim has been to submit to the world a full and correct account of the evidence given at the trial, with such observations upon the facts of the case proved in evidence as have occurred to me upon an impartial, attentive, and careful consideration of those facts."

The pressing demand for such a tribute to truth must be unquestionable, when we consider the temper which has hitherto been evinced on the subject, and to which this writer strongly and properly refers:—

"The author of a very learned argument, lately published, against appeals, has very justly said, 'The extraordinary and unprecedented prejudice disseminated against the appellee in this case, is, indeed, worthy of observation; and the part which the daily press has taken in the transaction, evinces what an injury to society the press may be rendered, an injury not always to be averted by the freedom of discussion which it supposes, and the opportunity which it affords for the publication of writings, as well on one side of a question as on the other.' He afterwards adds, 'In the case under consideration, we have seen all the daily papers in the country engaged in hunting down an individual, in demanding the blood of a supposed offender, but one who has already been acquitted by a jury! It was to oppose a feeble resistance to this overwhelming torrent, which no one else opposed, that I first ventured upon this argument.'"—See Kendall's Argument against Appeals (3 Ed.) pp. 167—8 (n.)

The subject of these observations is more grave than the reader will easily persuade himself; and, with respect to the conduct of the newspaper press, throughout the country, (and no where

more so than in the metropolis,) on this particular occasion, it is impossible to recollect it without shame and abhorrence*.

The address to the jury, on the part of the prosecution, which, (we regret to say, is marked with but too much of that inflammatory language which is so common on these occasions,) is given in the "Report," but omitted by the author of the "Observations," because his object has been to confine himself to an ungarbled statement of the evidence, and an unfalsified recital of the charge of the Learned Judge (Mr. Justice Holroyd) who presided at the trial at Warwick. The suppressions and falsifications which the "Student at Law" detects in the "Investigation," are endless; but the following is an example for which we have room:—

"I cannot here help observing a most shameful and unwarrantable mis-statement in the plan attached to the work above alluded to, than which nothing is more calculated to mislead the mind of any person reading that account of the trial with that plan before him, however unprejudiced and unbiased he may be. In that plan, there is drawn a dotted line from the south corner of the harrowed field by Pipe Hall, and so across the London and Chester road, down to the ford by the Birmingham and Fazeley Canal. Under that line, in one part is written, 'Track of the supposed murderer;' and under another part, 'Footsteps of the man running:' now, at the trial, it appeared there was no such track or footsteps, for it was distinctly proved by Lavel and Bird, that they could trace no footsteps beyond the gate in the south-east corner of the harrowed field."

After giving a complete and authentic report of the trial, the "Student at Law†" discusses the probabilities of the case, and having gone through particulars which we cannot place under the eye of the general reader, and shown the probability of Thornton's innocence, independently of the *alibi* which was sworn to, he comes, next, to that part of the question:—

"The above considerations have been stated, wholly independently of the strength given to their effect by the proof of the alibi by seven different witnesses. If that proof be true, if, indeed, their evidence be not a whole tissue of falsehood, it is impossible that she could have been murdered by the prisoner.

"They could not be mistaken as to the

* The Morning Chronicle, whose sins are heavy upon numerous occasions, formed, we believe, an honourable exception, in that moment of English disgrace.

† Since this Review was written, a second edition of the Pamphlet has appeared, with the name of the Author, Edward Holroyd, Esq. of Gray's Inn.

time, by reason that some of them either made inquiry of one of the others, who looked at the clock, or by reason of their hearing the striking of the clock, and of the ascertainment that was afterwards made on that very morning, how far the clocks and watches agreed or differed from each other, or from the true time.

"All their testimony was wholly consistent with itself, and probable, unless it should be thought that the circumstances above alluded to, and given in evidence on the part of the prosecution, are so far at variance, or so inconsistent with it, as to render it improbable.

"* The defence was not an after-thought, an alibi contrived and got up at a subsequent period, after the depositions were given, and the circumstances insisted on against the prisoner were known, for he stated it in his examination before the magistrate, and it appeared in evidence that Martha Jennings, one of those witnesses, was examined before the coroner's inquest, which seems to have been held upon the day of the death. Whether the others were so examined or not did not appear, but the very reason for comparing the watches with the clocks, on the very morning of the death, was the allegation of this alibi that was then immediately set up by the prisoner. That comparison was a prudent and a fortunate step to be taken, as it tended to ascertain the true time, and the probability (at least) of the truth and correctness, or falsehood, of this alleged alibi, and, consequently, of the prisoner's innocence or guilt.

"If the alibi be true as to the time and fact, it is impossible the death of Mary Ashford could have been the act of the prisoner. The distance which she must have gone from Mrs. Butler's to the pit, was one mile two furlongs and thirty-eight yards. The distance which the prisoner must have gone after the murder, from thence to Holden's house, in the way the prosecutor supposed him to have gone, from which house he was first seen by any of his witnesses, walking leisurely, and with no appearance of heat or warmth about him, was two miles and two furlongs. The whole distance gone first by her, and afterwards by him, was upwards of three miles and a half, and, according to the time spoken to by Jennings, his wife, and Jane Eaton, that distance must

"* By Daniel Clarke's evidence, it appears, that when Clarke desired Thornton to go along with him to clear himself, Thornton said, 'he could soon clear himself,' and immediately went with him for that purpose. By that expression, Thornton certainly alluded to the circumstance of his being seen elsewhere, having stated that he was with the deceased till four o'clock that morning. If he were innocent, and had left the deceased going to Mrs. Butler's so short a time before he was seen by Holden and other witnesses, he would naturally think their testimony would clear him. There does not seem to have been any thing else, to which his declaration, that 'he could soon clear himself,' could allude.

have been traversed, part of it, first by the deceased, the residue afterwards by the prisoner, and the rape, and drowning, and placing of the bundle, &c. on the brink, must also all have passed in about twenty minutes, or at most within twenty-five minutes, and the prisoner must also have been, at the end of such a dreadful transaction, and such speed, (if their account be true,) walking leisurely, and with no appearance of heat or warmth about him. But it is said, that when the prisoner was met on the same morning by Daniel Clarke, the keeper of the house where the dance had been, and was informed that Mary Ashford had been murdered and thrown into a pit, he made no inquiries into the particulars, nor named the subject again, but talked on other indifferent subjects, from which it is inferred, that he must have known the particulars, and must have thrown her in. Can this be of any weight, when, at the same time, as soon as he heard that she was murdered and thrown into a pit, he instantly exclaimed, with surprise, 'Murdered! I was with her till four o'clock this morning:' a circumstance not then known, but by this his declaration. Surely this exclamation and disclosure were the natural conduct of a man innocent of having murdered her, but a most improbable communication to have been thus instantly and voluntarily made by a man guilty of that horrid crime. His making no further inquiries about the murder, might probably enough arise from a consciousness of his own bad conduct in the connexion he had had with the deceased during the night, the reproach and suspicion likely to alight upon himself, and the apprehension that he might have been the cause of her having drowned herself, in consequence of that connexion, when she came to reflect upon its probable or possible consequences to herself."

As to the real cause of the death of the imprudent and unfortunate young woman, this writer gives us the satisfaction of making it appear most conceivable, that it was nothing more than an accident. She had voluntarily spent the night in the fields, with Abraham Thornton; she left him between three and four in the morning, and went to a relation's, where she said falsely, that she had slept at her grandfather's. At that relation's, she was in good spirits; she changed her clothes, and the clothes which she left behind her were bloody, but those in which she was found drowned were not so:—

"In the publication alluded to in the note, p. 8, *supra*, the learned judge is made to say in his summing up, 'that the gown and stockings, which the deceased took off at Mrs. Butler's, were *not* bloody; her dress did not seem disordered.' Now his lordship stated the very contrary: in fact, he could not possibly do otherwise, for it was not only distinctly proved, at the

trial, that the contrary was the case, but the jury saw that it was so from the clothes, when produced, which they attentively examined."

As to her death,—

"Whether this was effected by any person meeting her, and ravishing and drowning her, which, considering the time of the morning, and the place, seems improbable, or by her drowning herself, which will also appear improbable to those who may conceive that she would hardly think of taking off and putting down her bonnet and shoes, when she was committing that horrible act, or whether it happened by her going to and stopping upon the brink of the pit, either from faintness, or to change her dancing shoes, one of which was all over blood, for her half boots that were in the bundle, the only part of her original dress which she had not resumed; and either from dizziness, or faintness, arising from want of sustenance, and from the exertions and fatigue she must have endured, and from her exhaustion and loss of blood, or by accident in turning, or stooping upon the pit brink, she tumbled and slipped down the slope, must remain matter of conjecture. But can any other supposition than what has above been made, be made consistently with the evidence, or lead to any reasonable or satisfactory conclusion; and could the jury, in the discharge of their painful and anxious duty, properly find any other than a verdict of acquittal: or could any other verdict than an acquittal be properly found, in case the appeal had been proceeded in to a re-trial by jury, and the same evidence had been given upon such re-trial? My answer is, that it could not, without subjecting to an ignominious death, a man for an alleged murder, of which the great probability is, that he was innocent, and that, although Mary Ashford's death was indisputable, yet that no murder had been in fact committed by any one.—' Nulli negabimus, aut differemus rectum vel iustitiam.'—*Magna Charta.*"

Some gross but not very uncommon expressions, (among men much above Abraham Thornton's rank in life, and who are not yet accused of felony,) have been attributed to the accused, and has weighed much with the public against him. On these this writer observes:—

"It appeared, however, by Joseph Cook's evidence, that it was to a man of the name of Cotterell, that he (Thornton) said this, upon Cotterell's answering his (Thornton's) inquiry who Mary Ashford was; and that Cotterell was at the meeting of the Coroner's inquest, and denied that Thornton had made such a declaration which occasioned Cooke to mention it, but not at the coroner's inquest, nor did he caution the deceased. It does not appear that Thornton, or his attorney, knew that Cooke had mentioned this, or that he would be brought to give this testimony, otherwise it might be expected that they would have been pre-

pared with Cotterell's evidence to contradict this, in case of the testimony of Cooke being untrue."

One observation necessarily presents itself, on the perusal of the conflicting publications now under review. It is the diversity of the *views* which different individuals have taken of the same *circumstances*, and the importance of those *views* to the *life* of the accused person! Can any stronger illustration be necessary, of the injustice of refusing to hear the pleadings of counsel, *in behalf* of prisoners accused of felonies, and especially of hearing such pleadings, in reply to the pleadings of counsel *against* the accused? On this question, a letter to His Majesty's Attorney-General is announced for publication in an advertisement affixed to the subject of the succeeding article, (*Anti-Duello*); and its immediate appearance has been more recently promised to the public.

We must not conclude without subjoining our opinion, that the "Investigation" is a tract which would reflect discredit upon any pen, and is more particularly to be stigmatized, if, as is pretended, it was written by an "Attorney at Law."

Anti-Duello, &c.

(Concluded from our last, p. 87.)

THE author thus begins:—

"Generall principles and common notions, by which a man distinguisheth what is just, and what is unjust, are, of themselves, so perspicuous, that it is in vain for any man to bestow paines in the proofof the same; but particularities, on which the eie of justice ought to reflect, are oftentimes accompanied with sundry apperances, and are thereby rendered disputable: so, we say, in a general proposition, That murder is unlawfull, but yet, in some particular case, it may, from circumstances, receive such a qualification, that it may be esteemed a lawful action. Universall maximes are like to stars; their place certaine, and their motions regular; and, within their generall extension, they comprehend inferior propositions. The law eternall of God and of nature are two great lights, which impart lustre and vigor to all the rest; but when wee come to hypotheses, then a man descends (as it were) to the elementary region, where all things are changeable and turbulent, and where one shall encounter and meet with a perpetuall conflict of reasons, as with so many counterbuffs of contrary winds. One disputes concerning an exild man, a banditti, to whom one promises pardon, in case hee bring the head of one of his comrads. brings the head of his own father, that was one of the number: the question is, Whether hee ought to have the benefit, upon the faith of the state assured and

promised him, or be punisht as a paricid? If a man found asleep be charged to have committed a murder, there is required a very serious disquisition, and waighting of circumstance and reasons, before he be eyther condemned or acquitted.

"Now, if the question of *right* (concerning what is just, and what is unjust) be entangled with so many perplexities, that of *fact* (concerning what is true, and what is false) is infinitely more obscure and absconded. It hath been seene, that two men have so simmetrically resembled each other, that all the kindred of the one, and his very wife also, being mistaken, hath entertain'd the impostor into a place wherein hee had no interest; and yet, when the true husband hath come and presented himselfe, the subtleties of the other were so quaint, and his answers so pat and conformable, that they have made the Judges to stand astonisht. The eies of all Europe were a long time intent upon that pretended Sebastian of Portugall; and they that were most clear-sighted were deceived in him. Oftentimes both fact and right are liable to disputation; as, in the cause of divorce between Henry VIII and Katherine of Arragon.

"If the question bee, then, of a fact which cannot bee proved by any ordinary way, what shall the Judges do, to find out the truth? Wee have not Moses resident on the earth, who could consult with God himselfe, when hee knew not to whom the right of a controverted succession belonged; nor the pectorall of judgement upon the habit of the great sacrificer; nor the water of malediction, which discovered the innocence or guilt of women suspected of adultery; nor the eie of seers or prophets, who gave answer themselves concerning smaller matters, as Saul, searching his father's asses, went to Samuel, to heare some tidings of them; nor that spirit, by which Elizeus discovered the avarice of Gehazi, and St. Peter, the lying of Ananias and Saphira."

"I will not speak at all of those unlawfull wayes which many have late held to attaine thereunto. No man would bring againe into use the proofof scalding water, wherein the Livonians put the hand of the accused partie; or the iron red hot, upon which one of the greatest princesse of Europe offered to march naked, for testification of her chastity; or the profanation of those who abuse the sacrament of the Eucharist, to know if a man be innocent, and give it him in this manner: "The body of our Saviour Jesus Christ inable thee to prove." More tolerable was that course which a Judge tooke to end a controversie betwixt three brethren, who were at variance which of them was the more legitimate. Hee caused the body of their dead father to be unburied, gave them in their hands bowes and arrowes, and adjudged, that hee of the three that shot nearest his heart should bee held legitimate. Two shot; the third said, that hee had a great deale rather forgoe his title, then to gaine it at such a price. The succession was

adjudged to the last ; and if the proceeding were barbarous, the judgement was commendable. But these impious courses, which the sunne of justice hath chased into hell, ought not thence to be cald back againe."

The contrasts between the Judicial Combat and national war, is drawn with a vivacity which makes us unwilling to pass it over :—

" Now, to come to the scope of my intent, we must remember, that all manner of difference consists either in *fact* or in *right*. As concerning the question of *right*, I no more like that it should be decided by the sword, otherwhiles this bestiall custome hath past as a law, that the better title of competitors consisteth in force ; so, that brothers entered not oft into their father's inheritance but by way of paricide, upon the dead carkasses of their neerest kindred, and with violence to some of their own blood : sons themselves have beene unnaturall to their owne fathers, and constrained them to seeke succour by armes. But let us see if a Duell may have place in the question of *fact*.

" To prove the affirmative, these reasons following are alledged. That the Warre is, without comparison, more universally blooky and pernicious then is the Combat of a few particular men ; the death of one or two hath no proportion with the butchering and massacre of many thousand persons ; the slaughter of infants and old folke, the desolation of widowes and orphans, the spoile of tillage, demolishing of houses, ruine of villages, pillages and violence, which convert into a wildenesse the most florishing kingdomes, and, in a word, all the mischieves which Warre engendreth, and yet is by naturall right. That a Duell, for prooef of actions obscure and doubtfull, hath beene adjudged necessary by antiquity, which hath made the laws, and approved by the suffrages of a great many nations. That the Christian world hath happily put it in practice for no short space of time. That many differences cannot bee otherwise determined, nor many secret injuries come to light, but by this expedient.

" Iacknowledge that Warre is one of the scourges of mankind, and may bee, of all others, the most horrible ; and those which have authority to make Warre, are bound to seeke out all waies for agreement, before they enterprise Warre ; to employ the mediation of their allies, and to bring downe their demands to an indifferent equality. But, when one is forced to enter into War, all lamentable events which accompany War, are to be imputed to that party which hath compelled the other to such a necessity ; especially if the Warre is defensive : for he that fights onely to defend himselfe, is not guilty of the miseries which may follow. For offensive Warre, oftentimes, it is not necessary ; a prince, or estate, from whom a duty is detained, have right to regain by this way. In the first Warre that was in the world, the patriarche Abraham armed

all his house, to set at liberty his friends and kindred. Warre, then, is made war rantable by the law of necessity ; now this necessity proceeds (as we have before specified) herchence, because soveraigne powers are exempt from justifying their actions before any tribunall.

" There is not a Judge established amongst Kings to decide their differences, so that he which is offended by the other, can have no recourse but to the justice of armes. But it is not so amongst private men ; for God hath given them Judges, and yet not permitted such Judges, who are no other extirpers of Battell, to grant the same to two parties at variance, to the end that they may do justice by their own hands.

" We must mark also, that Warre is not made to know which of the parties hath the *right* ; for he that enterpriseth a Warre ought first to be well assured of the justice of his cause ; for, otherwise, it is not a Warre, but a publique robbery : but in the Duell, two men are made to fight, who, it may bee, kill one the other, without one knowes not which had the wrong.

" To conclude, Warre is authorized in Scripture by expresse ordinances, furnished with many rules, blessed by Moses' prayers, practised by Prophets and Kings, approved by the Fore-runner of Christ, honoured by the presence of the Arke, and governed by a Chieftaine that calls himselfe the God of Battailes. But after a Duell, we finde not somuch as the bare name mentioned.

" Concerning the lawes upon which some found this Duell, we ought first to know if such lawes themselves be lawfull. *A wicked law*, saith an ancient father, is no law, but a corruption of law ; and a bastard law cannot legitimate an action, nor make a proceeding justifiable ; otherwise, why curse wee the ancient Almains, amongst whom theft hath its approbation, as an exercise of vertue ? Why condemnewe the Scythians, who, imitating the West Indians, have their servants buried alive with them, yea, and their owne wives ? Why have we abrogated so many ancient laws made by our ancestors, and that have continued in use so many ages ? It is not, for that some of them are contrary to the law divine, others of them repunge the law of nature, and savour more of barbarousness then humanity ? The law which decrees a Duell in default of prooef, is found amongst the ancient constitutions of the Seliques, Allemans, Danes, English, Normans, and other people of the west, from whom it is said to take its originall. But what were these law-makers, that have made this law for us ?

" Were they not such themselves, who decreed human sacrifices to their false gods, and spared not the offering up in sacrifice of their owne infants ? Were they not such who accounted those unfortunate men and women to have an heroicall resolution, that died by their owne hands ? Were they not such which approved incestuous copulations, and that in a word made lawes as it were in despite of God and nature ? But we are not to wonder if

they decreed a Duell, in the question of *fact*, seeing that the greater part of those nations do hardly take any other course in affaires where the *right* is controverted ; which, notwithstanding, is by all found fault with at this day. Froton, king of Denmarke, commanded that all differences arising in his kingdome should by Combat be decided ; and that is the reason why the Scythians, who maintaine their right by force, and have no other religion, law, nor justice, then the sword, have accustomed to plant their grounds with trees whereof they made their speares, and do adore them as a supreme deity. Contrariwise the easterne people, whose morall vertues and civility we imitate. The Assyrians, Egyptians, Persians, Hebrewes, and also the Greeks and Romans, never admitted of the Duell, but in fact of good Warre. This law, then, ought to be examined by that which is the rule of all others, as being derived from God ; for wee speake not of particular ordinances which were in use onely in the commonwealth of the Jews, but of that eternall law, expressed in the sacred writ, which remains in perpetual strength, and binds all kinds of nations : and when there happens a doubtful case, if Judges would prevent those resentments which their consciences would make them feele, they cannot know better way than this ; to wit, To judge an other by the same law which shall judge them all in the last day."

The author, proposing to "encounter this Duell" by a regular course of argument, commences that part of his labour thus :—

" 1. Section. It is certaine, and cannot be gainsaid, that this way is casuall hazardous, and, by consequent, deceivable. I acknowledge that humane actions, which are various, contingent, and infinit, cannot prove themselves with so much certainty as can mathematicall conclusions, which have infallible demonstrations : ever some incertainty goes along with prooefes. One and the same action shall oftentimes be disguised in so many severall shapes, that the eie of justice cannot discerne the true figure : the witnesses may be lyars ; oaths, false ; writings, counterfeit ; judges, corrupt ; and the parties owne confession oftentimes betraies their owne innocence. It hath beene seene that some, weary of an irksome life, have voluntary accused themselves of crimes which they never committed ; the torture hath sometimes caused men to say that which never was ; and many also have endured it, which have stood in maintenance of deeds as false as falsenesse itself. What then can Judges do, alwaies groping in the dark, and when the brightest lights, which they can bring, cannot find out the illusions which lie hidden in these obscurities ? I answer, that so long as they go a regular pace, and that they containe themselves within the bounds by good lawes prescribed, they cannot erre. When, upon the deposition of two or three witness-"

not to be excepted against, it chanceth that an innocent is condemned, the conscience of the witnesses is guilty, not that of the Judge; for he hath proceeded according to laws divine and naturall: but if such a mischiefe happen through his steering other courses then such as the law of God hath commanded him, how can he hope that that law will serve to warrant his proceeding? And besides, the testimonies and circumstances, which often are suborned, yet have a naturall relation with the fact; but things in their owne nature casuall, cannot give any intelligence herof. What a brutish proceeding then, is it, casheer justice, which is sacred, for to entertaine the vanity of a thing contingent, casuall and abusive? Is it not just as if one should put all to chance, as the Democritusses of our age use to speake?

"2. Section. This proceeding is contrary to the fundamentall principles of justice, which adjudge the right, not to him which hath the stronger body, or which hath more dexterity in his weapon, bat to him that is knowne to maintaine a just cause; yet it is a thing thereby, and conformable to the order of nature, that the strong should overcome the weake; so as it happens the weaker man, though innocent, is conquered by the power of his stronger adversary. All the precautions which may be used (as the giving them arms alike, and the taking away of all advantages from either partie) cannot so perfectly equalise their forces, their dexterity, their spirit, their courages, but there will ever be an inequality. And moreover a man is not all times in like strength; and during the passage of such an action, a beame of the sun, the shaking of a leafe, a little sand blowne in the eye, or under the feet, a sudden object, a cloud in the aire, a fright, a thought, may undoe one of the parties. But letting pass all this, is it not alwayes a course opposite to justice, to judge a man more by the successe of his sword, then by goodnesse of his cause?"

The following is among the religious views of the "Duell," with which the tract abounds, and is decorated with much of that striking language to which we have alluded. The conjoined simplicity and pathos of the expression, "so many teares, which he hath shed with *great cries*," in allusion to the "Eloi, Eloi, lama sabacthani" of the Gospel, unite with the description, before quoted, of the accidents which may decide a "duell," to invest the writer with a reputation for poetic feeling and fancy.

The author's principle, as we have already seen, is this,—that whereas human proof very often fails, or human evidence is questionable, and whereas the "Duell" is no adequate remedy for these inconveniences, the only rational course is—to leave those things, which cannot be proved by evidence

("evidently proved") unattempted to be proved at all. The reader will not be insensible to the eloquence with which our author enforces his doctrine:—

"What then, is the duty of Judges, in such like occasions? I say not, that they should doe as that Judge, that being not able to give his resolution, in a capitall matter, and fearing to doe wrong to the one or the other, would not give a definitive sentence, but decreed onely that the parties should appeare within a hundred yeeres, to abide what should bee judged to be right; a terme long enough, and such as would free them from court, and processe, unlesse some other Judge had interposed himself in the manner. But, to speake seriously, the Judges cannot bee ignorant what is prescribed unto them by good lawes; to wit, That in every doubtfull case, the accused ought to have the advantage, and that hee must pronounce in his favour: that the accuser, not proving the crime objected, the partie charged ought to be acquitted. This rule of law is equitable and approvable; if hee erre in steering other course, pure Innocence shall reside in more security in the dens of lyons, in the forests, or among the dragons of the wildernes, than in the palace of justice! There is nothing so easy as to accuse; and calumination, with a brazen forehead, an impudent throat, and audacity to persist in leasings, are such things as ever overhelme the modesty of the innocent."

It is curious, in the mean time, that the high-government principles of the author dispose him to relax considerably, on the subject of means of proof, when the crime imputed is a crime against the state; and that he is desirous of affording much indulgence, and many facilities, to the accusations of delators or *informers*. Passing over, however, these parts of his "discourse," we shall conclude our extracts by quoting his peroration, in which *the style* again invites our praises:—

"Be it as it will, of all expedients which one can take, the Duell is the worse. This way is practised by men barbarous and unnatural; it is casuall and deceitfull; it profanes the sacrednesse of justice; it overthrowes universall maximes; it produceth no certainty; it puts in jeopardy the innocent as well as the guilty; it tempts God many wayes; it makes men slayers of their neighbours and themselves; it cozens men of salvation, and carries their soules to the gates of hell: it is condemned by the wiser part of Christians; it is not warranted by the law of God; it is without example from the practice of the faithfull. To conclude, it is a poysous antidote, more pernicious than the mischiefe which one should prevent; and when it produceth the fruit desired, it is, wretched fruit, must bee purchased at such price: David, in his sicknesse, earnestly desiring to drinke of the wels of

Bethlehem, two soldiery would have hazarded their lives to fetch some; hee protested bee would not drinke the blood of those men. Nothing is so sacred as the blood of a man; and the blood of beasts is not employed but in sacrifices. Let us not forget the law expreased in the 21st chap. of Deuteronomy, concerning the manslaughter unknowne*, and the expiation thereof in the stoney vally. The solemne prayer, which was made in that ceremony, may be applyed to the subject of our discourse: 'O Lord, be merciful unto us, and lay not innocent blood to the charge of thy people!'"

This week, the Attorney General has made his promised motion, mentioned in the preceding part of this article, and brought a bill into the House of Commons for the *total* abolition of Writs of Appeal of Murder. It has appeared, from the intimation which we have given before, that difficulties attend either course—a direct and *total* abolition—or an abolition indirect and virtual, and *partial*, by means of an amendment of the 3d of Henry VII†. As to the measure to be adopted by Parliament, much will depend upon the existence, or otherwise, of a disposition to sift the question nicely; and it is certain, that, as has been insisted on by Mr. Kendall‡, the arguments of those who should be inclined, as heretofore §, to uphold the Writ of Appeal upon constitutional ground, lose much of their force from their consideration, that from the existing restrictions on the right, very little, that is worthy of a constitutional view, remains, in fact, to be preserved.

In the bill alluded to, the Trial by Battle is taken away in Writs of Right. If this is to be done without abolishing Writs of Right, there is less ground for pronouncing an opinion, than on the preceding question. If Writs of Right are to remain, the Trial by Battle, which belongs to them, ought to remain also.

The present bill is very likely to be passed without a due understanding or examination of its principles, either by Parliament or the country. It is looked upon as a bill solely for abolishing Trial by Battle, which is far

* "Mr. Kendall has shewn us, in his Preface, that among the difficulties which attend the continuance of the Appeal of Murder, is the widely different significations of the term *Murder at common* and *at statute law*; and this 'manslaughter unknowne' is, according to Mr. Kendall's interpretation, precisely the *murder* of our common law.—REV."

† See *Literary Journal*, No. 46, p. 86.

‡ *Argument, &c.*

§ *The Conversation in the House of Commons*, in the year 1774, *Literary Journal*, No. 46.

from being its true character. Much, however, will, at all events, be gained, by the total abolition, which it will produce, of *second trials* upon charges of felony, an abuse of which Abraham Thornton was the victim, and by which others appear to have been actually brought to an unjust death*.

Die Wagen und Fahrwerke der Griechen und Römer, und anderer alter Völker, nebst der Bespannung, Zäumung, und Verzierung ihrer Zags-Reit, und Last-Thiera. Von Johann Christian Ginzrot. In 2 vols. 4to. pp. 1104. München. 1817.

The Carriages and Vehicles of the Grecians and Romans, and other Ancient Nations; with the Caparison, Harness, and Decoration of their Draught and Riding Animals, and Beasts of Burden. By John Christian Ginzrot. 2 vols. 4to. pp. 1104. Munich. 1817.

THIS is a new German work, of considerable beauty, just introduced to this country by Mr. Ackerman, who has imported from the continent the few remaining copies; which appears to us a service of great value to the friends of antiquity, history, sculpture, painting, poetry, and mythology: each of these subjects will derive light and illustration from the volumes before us. It traces the origin of carriages and harness of every denomination, and the progressive improvements therein, by the earliest ages and nations. The descriptions and annotations are deduced from numerous and extensive sources; and the author appears to have spared no pains in enriching his subject with complete information from numerous languages, and remains from different countries; from sculpture, coins, Etruscan vases, and a careful and minute review of costumes and representations of former times. He traces the commencement of conveyances previous to the flood, and gradually unfolds their improvement and diversity, as time developed their further uses to different tribes and nations. From the plough to the dray, and the ancient waggon, we see the advancement of the shape, the wheel, the trace, &c. till we arrive at chariots of manifold structure.—The triumphal car, the war-chariot, the superb carriage for the dead,—the litter, &c.—we mark those of different nations, and the various taste manifested by each. The reader finds well-authenticated information and explanation from celebrated

authors, who have treated on the subject during succeeding centuries. An intimate acquaintance with classical literature is conspicuous in our author, and stamps his propositions with weight and authority. We find the Egyptians, Medes, Persians, Grecians, and Romans distinctly noticed, and are led to admire their magnificence in peace and war. From the preface we translate a short extract:—

“ Upon this almost unknown subject of antiquity, few have written, and those few but little; it is also very difficult for the amateur, particularly if he is unacquainted with the technical part, to inform himself by studying the injured monuments of art, or to acquire any clear ideas through some occasional passages in the classics and their commentators. The friend to the arts, therefore, perceives with regret, that the most successful painters, sculptors, and other artists, disfigure their otherwise admirable performances, by incorrect imitations, or unsuitable decoration, as it regards former times, and that translators and expositors spread false views of the subject, from being themselves in the dark.

“ One observes, that painters, and sculptors particularly, represent Egyptian, Grecian, and Roman carriages, with the harness and clothing of the horses in the same form, only varying the ornamental part, though the ingenious ancients required many kinds of vehicle for their different uses, which were diversified in name and embellishment. A good collection, therefore, of ancient carriages, in elegant designs, as well as of all circumstances that appertain to riding and vehicles, accompanied by a minute description, will be the more welcome, because either these representations are scattered in more than a hundred works, or quite forgotten and neglected, very few possessing time and opportunity to complete such a collection.”

The spirited outlines which accompany the text, consist of one hundred and six copper plates, many of them containing a number of separate groupes beautifully illustrative of the subject: they are collected from a variety of sources, and bring to the eye distinguishing marks of former times. The representations of the principal gods and goddesses of mythology, in their chariots, and with their accompanying attributes, are faithfully and elegantly delineated, and chiefly drawn from objects of sculpture, which are now entirely or partly obliterated. The designs are ornamental and correct, and well calculated for the pencil of decoration and fanciful taste. The horses, especially, which are introduced in most of these drawings, are executed with peculiar spirit and variety of attitude. As an elaborate and rich design,

we shall particularize the funeral car of Alexander the Great, which, together with all the other plates, were drawn by the author, Mr. Ginzrot; an Herculean work of labour and patience. The magnificence of this car appears so much surpassing imagination, that we subjoin a translation of the account, for the amusement of our readers:—

“ The burials of the old Grecians and Romans were superb and showy, and great was the number of different carriages which accompanied the procession; particularly distinguished from the rest, in construction and ornament, was the funeral car. Black was then already the colour for mourning, and silver was preferred in beautifying the black garments, the hearse, and clothing for the horses. The accompanying plate represents the magnificent funeral car of Alexander the Great, which is minutely described by Diodorus Siculus, as the most beautiful and costly that is mentioned in history, and of which Athenaeus speaks thus: ‘ Hieronymus has obtained great fame by the manufacture of the harmamaxa, in which the body of Alexander the Great was removed.’ The car is also styled harmamaxa by Athenaeus, which was, amongst the Greeks, a four-wheeled chariot, or a covered carpentum; but the Latin translator names it pilentum, that is, a carriage with an arched roof resting upon pillars. The description of Diodorus Siculus runs as follows:—‘ In the following year, (320 before Christ,) when in Athens, Philocles, and in Rome, Caius Sulpicius and Quintus Aulius were chosen consuls, Arrhidaeus, to whom the removal of Alexander’s body was entrusted, made preparations, after the completion of the harmamaxa, to accomplish this task. While this work, which publishes the fame of Alexander, and is not alone in relation to its grandeur, but also on account of the exquisite workmanship, is so highly celebrated, I hold it not superfluous to add a description thereof. in the first place, a golden coffin of rich workmanship was prepared for the body, which was half filled with all kinds of spices, not only for their perfume, but for the preservation of the corpse; upon the coffin was placed a golden lid, which fitted closely; over this was spread the superb pall of royal purple, embroidered with gold; and placed beside it, were the arms of the deceased, to remind the beholder of his various achievements. Next, the intended funeral-car was brought; over this was a golden arched canopy, (camara,) which was formed of scales, and ornamented within by precious stones; below the arch was a golden square throne, decorated with the heads of stags, to which were fastened gold rings, the breadth of two hands, and through these others were drawn of the most brilliant colours; round the arch was placed a net-work fringe, and large bells thereby suspended, so that the sound was heard at a considerable dis-

* See Appendix to Anti-Duello

tance; at each corner of the top, stood a goddess of victory, with a trophy in her hand. The peristyle, upon which the arch rested, was of gold, with Ionic capitals; within the peristyle was hung a gold net, of the thickness of a finger; this was closed by four plates engraven with suitable devices. Two golden lions were placed at the back, and threw back a frowning glance; around each pillar, a golden acanthus wound up to the capital. Upon the outside of the arch was a covering of royal purple, crowned by a very large laurel-wreath of gold, which reflected such a glittering and trembling ray in the beams of the sun, that the brilliance resembled a flash of lightning in the distance. There were two axle-trees, on which four wheels turned in the Persian manner. The spokes of these wheels were gilt, and the edges of iron; the end of the axles were of gold, and represented lions' heads, holding an arrow in the mouth.

"The car had four splinter-bars on each of these four yokes, one before the other, and to each four mules were harnessed; so that, in all, sixty-four mules of remarkable beauty and size were put to,—sixteen a. breast; each was decorated with a golden wreath, on each side of the head hung golden shells, and, round the neck, costly halters, set with gems. Still was this car far more superb in appearance than description, and drew vast multitudes of beholders to its far famed beauty. The inhabitants of the towns through which it past, flocked in crowds to meet the procession, and accompanied it to a great distance.

"Thus, at last did Arrhidaeus complete his work, after having for nearly two years engaged himself in it, to carry the body of the king from Babylon to Egypt. To honour Alexander, Ptolemaus, with his whole force, came to meet the body, as far as Syria, took charge of the corpse, and bestowed the greatest care upon it, till its arrival in Alexandria."

In the course of this interesting work, we see and read of animals of every sort being made subservient to the yoke, as they occur in real and fabulous history, and are initiated into the former treatment and food they received, and the various consideration they were held in by the ancients. The regard, almost approaching veneration, with which that noble animal the horse was formerly treated, excites astonishment: monuments were erected to its memory, and much of the success of victory was attributed to its sagacity and prowess.

It appears, by the preface, that these two volumes succeeded each other in publication; and, by the following extract from the preface, we find, the author meditates carrying on the subject.

"It depends upon the degree of favour these two volumes meet with, whether I shall complete another, which will

not only embrace the carriages of the middle ages, up to this period, but also give an account of all present conveyances and equestrian manners, and will contain a technical investigation of the elegant structure of vehicles in every known country."

We regret that our limits preclude further observations and translations from this interesting work; but recommend its examination to the curious amateur of the fine arts. As a mark of approbation of the work, the Emperor of Austria has presented to the author a snuff-box set with diamonds of great value.

Cambriana,

No. II.

WELSH ALPHABET.

To the Editor of the *Literary Journal*.

SIR,—When I made the allusion, in my last letter, to the peculiar excellence of the Ancient British or Welsh tongue, it was not my intention to enter so soon into any particular discussion of the subject. But it has since occurred to me, that, as it forms a part of my design to devote my letters occasionally to an examination of the chief characteristics of the Welsh language, some previous account of its alphabet might not be wholly unacceptable. And, lest this might appear to any of your readers to be a trivial inquiry, it may be necessary to premise, that the Welsh letters differ materially, both in their sound and in other properties, from those used by the English. The subject, therefore, I may hope, will, at least, have the merit of novelty to those who are unacquainted with the Welsh tongue.

It has been a matter of great controversy, among the learned, whether the Ancient Britons were conversant, or not, with the use of letters, when originally discovered by the Romans. And even that passage in Caesar, which seems so decisive in the affirmative, has been perverted by some writers into a contrary application. However, Cæsar's meaning appears to me so remarkably clear, that the most obstinate scepticism only can call it into question. His words are as follow. Speaking of the Druidical, or Bardic Order, which at that time prevailed in Britain and Gaul, he says*, "Magnum ibi numerum versuum ediscere dicuntur. Itaque annos nonnulli vicenos in disciplinâ permanent; neque fas esse existimant ea literis mandare; quum in reliquis fere rebus, publicis privatisque rationibus, Græcis utantur literis." And, that the expression "Græcis literis," applied solely to the Greek character, and not to the language, is evident, from what Cæsar says on another occasion, where he speaks of having

* *De Bello Gallico*, lib. vi. c. 14.

written to Q. Cicero in the Greek tongue, that his letter, if intercepted, might not be understood by the enemy.—Whatever language was then spoken at that period by the Gauls and Britons (for I shall not now stop to discuss that point), it is clear, if Cæsar is to be credited, that the Druids and Bards, at least, made use of the Greek letters. For many ages, however, after the time of Cæsar, we have no farther direct testimony of the fact; but, we may reasonably presume, from many documents that remain, that letters continued to be in uninterrupted use by the Bards. And Bede and Nenius particularly, both of whom wrote during the eighth century, professed to have composed their respective histories partly from the writings of the Britons, which must, therefore, have been of ancient date, even at that period.

To recur now to the Greek characters, which Cæsar mentions to have been used by the Druids, I should conceive that, as far as the Britons were concerned, they must, in no very long period afterwards, have undergone a material alteration. For it is, I believe, generally admitted, that the Saxons, on their arrival in this island, were totally unacquainted with letters; and it has been accordingly presumed, that they adopted such as they found in use among the natives, and which we now call the Old Saxon characters. If this be the fact, we may be allowed to conclude, that a considerable innovation had been made in the British letters, through the connection of the inhabitants, for nearly five centuries, with the Romans, whose letters they may have gradually intermixed with their own. And, indeed, the ancient Alphabet in use among the British Bards, is stated by a writer, deservedly celebrated for his Welsh learning, to be still extant*. It contains thirty-six letters, and among them, all those comprised in the Old Etruscan Alphabet, which was that, I believe, originally used by the Romans. This must serve to confirm the conclusion I have just ventured to draw, although it may create a doubt, as to the identity of the Old Saxon letters with the Ancient British, unless we presume, indeed, what is not very improbable, that the latter were in a continued state of fluctuation, varying from one form to another, while they, at length, settled in that which has been in use since the invention of printing, and of which I now proceed to give some account.

The Welsh alphabet, then, which originally contained, as already mentioned, thirty-six letters, comprises, at present, no more than twenty-eight, and even of these, several are double letters; so inadequate are the modern Roman charac-

* This fact is stated by Mr. W. Owen, in his Edition of Llywarch Hen's Poems. It has never been my good fortune to see a copy as this alphabet; and I am not aware, that it has yet appeared in print.

ters to convey all the sounds embraced by the ancient British. And not only have double characters been employed for this purpose, but two and even three sounds, represented, anciently, by distinct symbols, have been appropriated to the same letter. The modern Welsh alphabet is as follows:—

A, B, C, Ch, D, Dd, E, F, Ff, G, Ng, H, I, L, Ll, M, N, O, P, Ph, R, Rh, S, T, Th, U, W, Y.

And of these seven are vowels, viz. a, e, i, o, u, w, and y.

The following letters are such as vary, either uniformly or generally, from the English, and the pronunciation of which I shall make some attempt to explain.

A, as *a* in *can*, or, if circumflexed, much broader.

C, always as k.

Ch, a guttural, as the Greek χ .

Dd, as *th* in *the*.

E, as in *bed*, or, circumflexed, as *a* in *bane*.

F, always as v.

G, as in *go*.

I, as in *bid*, or, circumflexed, as *ee* in *beer*.

Ll, an aspirated l, and to which letter it bears the same relative sound as *th* to *t*.*

Ng, as in *long*.

O, as in *gone*, or, circumflexed, as in *bone*.

Rh, an aspirated r, as in *rheum*.

U, as *i* in *this*, or, circumflexed, as *ee* in *seen*.

W, as *oo* in *good*, or, circumflexed, as in *moon*.

Y, generally as in *myrtle*: it has also occasionally the two sounds of *u*.

Numerous, however, as are the sounds represented by the preceding letters, and among which, are some peculiar to the Welsh tongue, there are likewise several others, described by diphthongs and triphthongs, which are unknown to the English, and, I believe, to all other European languages. And to this, it may not be improper to add, that the sound of the Welsh letters is never suppressed in pronunciation, as is the case with most modern tongues; but a distinct and uniform expression is given to every character. The vowels, indeed, as already mentioned, have different sounds; but a circumflex is, in writing, invariably employed to denote the variation.

It belongs, perhaps, to the subject of this letter, to notice the most striking peculiarity of the Welsh language; I mean the change of its initial letters, which has ever been the source of great perplexity to a learner. This feature is also common to the Hebrew, though in a more limited degree, and still more partially to the Greek. This variation, which only affects certain letters, is made in Welsh, according to the following table, which

* This is the best explanation I can give of this singular letter, and which is the one adopted by that celebrated Welsh scholar, Mr. Edward Llwyd, in his "Archæologia Britannica."

contains, first, the radical initials, and afterwards, the several others, whether soft, liquid, or aspirated, into which they are occasionally changed, according to the termination of the preceding word, and for the mere sake of euphony. Some of the following letters, however, it will be perceived, do not admit of the same variety of change as the others; but this may always be accounted for, by the particular character of the latter. I now give the scheme.

Radical.	Soft.	Liquid.	Aspirated.
B.	F.	M.	
C.	G.	Ng.	Ch.
D.	Dd.	N.	
G. (omitting G.)		Ng.	
Ll.	L.		
M.	F.		
P.	B.	Mh.	Ph.
Rh.	R.		
T.	D.	Nh.	Th.

It only remains for me to add, that the preceding variations always take place upon one uniform and established rule: and, it may be observed, that they are never made between letters of different organs, as a labial for a dental letter, or *vice versa*. And, upon the whole, I may remark, that this feature of the Welsh Language is among the strongest proofs of the extraordinary attention paid by the Bards to its cultivation, and, by a necessary consequence, of that peculiar poetical flexibility, to which I alluded in my last letter, as one of its most distinguishing characteristics.

Feb. 2d, 1819. ODOVEX.

CROWN PIECE BY PISTRUCCI.

To the Editor of the Literary Journal.

SIR,—The Crown Piece, by Pistrucci, is used at the close of the last year, does not fully answer those sanguine expectations which we reasonably form of money issuing out of a British Mint.

Certainly the invention of letters rose upon the edge of the piece, presents the distinguishing characters of original skill and novel appearance. No medallist will doubt this is a discovery of importance. Thus far, great credit is due to the ingenious contrivance of the artist. He has at length achieved that which neither Grecian refinement, Italian taste, nor British talent, could hitherto produce. But other parts of the piece are deficient in merit.

On the obverse, the letters of the inscription are neither sufficiently large nor strong; bold letters give beauty to coins. We find the letters on some Roman pieces extant at this distant period of time, as intelligible as when at first cast. Were it not for the well turned edge of the crown piece, the letters would be very soon worn off. Pistrucci, in the form of the letters, has imitated the French model. The anatomy of the head is defective and untrue. The back of the skull falls lower than the face part, instead of rising above it. This fault renders the effect of the head less imposing. The hair falling

over the forehead, appears stiff, and wants freedom. There the artist appears to have studied neither the soft, smooth, and becoming wave of a Cromwell, nor Charles, in the dignified majesty of curls. The anatomy of the neck and shoulder, possesses neither the deep lines of age, nor the vivid spirit of life. As to the physiognomy, I know not by what standard to judge, since every new coin presents new features. Although I may offend, by what some may think a mean comparison, I must be allowed to say, that I prefer some of the anatomical and physiognomical parts of the shilling last coined.

From the letters on the reverse, one might immediately guess this coin not to be the work of an Englishman. The motto of 'Honi soit qui mal y pense' dear to the memory of every Briton, and which he loves both in theory and practice, is here confined in too narrow a space; the letters are not nearly so large as those on the obverse. The very narrow edge of the garter, too, contributes much to the insignificance of the appearance. The next most obvious error is, that of placing in the hand of our tributary saint and patron, St. George, a dagger, instead of his accustomed, and by far more appropriate weapon, the spear. What man of valour, even possessing the virtues and celebrity of St. George,* would go, thus equipped, to contend with so monstrous and terrible an antagonist as is here represented? This alteration cannot, I think, originate in good taste. In the figure of St. George, there appears much to commend, and little to blame. The hair of the crest flowing from the helmet, appears improperly suspended by a thread.—The cropt mane of the horse wants beauty, and is out of character with the full and flowing tail. The root of the tail is too thick. The other parts of the horse are well conceived. The dragon assumes a new shape, and neither its tongue nor tail are forked. The *tout ensemble* of the design on the reverse, is small for the size of the piece.

J. P. THOMAS.

41, Cannon-street, Feb. 3, 1819.

ADDRESS OF THE QUAKERS

TO

JAMES THE SECOND.

To the Editor of the Literary Journal.

SIR,—Amongst the many forgeries which have at different times been composed, to excite a disgust as to the people usually denominated Quakers, none have obtained a wider circulation, or been more generally credited, than a fictitious address, remarkable for its blunt familiarity of expression, purporting to have been delivered by that people to King James II, on his accession to the throne: This address was, I believe, first published by Echard, and copied from him by Hume and other writers; Evans, in his "Sketch of the Denominations of the Christian World," has recorded it; and lastly, it has been circulated through the

* See the true History of St. George in our current numbers.

medium of the LITERARY JOURNAL, vol. i, p. 60.

It is a fact, that the primitive Quakers seldom presented addresses to their superiors, except in peculiar emergences; but, when in the day of their persecution, hundreds of their fellow professors were immured for years together within the walls of a prison, their sympathetic regard to the sufferings of their friends impelled them to apply for relief, and though, on such occasions as these, petitions upon petitions were presented to King Charles II, yet few were attended with beneficial effects; and, at his death, nearly one thousand five hundred of them remained in prison: so, that a people who paid a strict regard to speaking the truth from the heart, could not style him (as is stated in the address) their "Good Friend."

On an occasion of that kind, an address was presented to James II, but in a very different style to that recorded by Echard; for though they ranked adulation and insincerity in the list of unallowable vices, they uniformly composed them in respectful terms; void of flattery, but not indecent; unceremonious, but not uncivil.

As the address has acquired so extensive a circulation by its insertion in the LITERARY JOURNAL, as public an exposition of its un genuineness will not be considered an intrusion on its pages.

EUGENIUS.

FREE DRAWING SCHOOLS, &c.

To the Editor of the Literary Journal.

SIR,—You owe the following paragraphs to the mention which has been repeatedly made in your Journal of Mr. Kendall's proposition for the establishment of FREE DRAWING-SCHOOLS in this kingdom.

It is very well, and truly observed, in the last Guide to Paris, published by Gaglinani, that every country has its particular manners, as also, advantages and disadvantages peculiar to itself.

The gratuitous establishments for education, and for enabling persons, who must live by their talents, to do so, are numerous and admirable, in Paris.

The Fine Arts flourish, in a manner that distinguishes that city from all others, Not only Artists are skilful, but they are numerous, and their works cheap. And the superiority of Paris, in this respect, is, in great part, to be attributed to the facilities granted to those who wish to acquire the principles.

Learners, of this description, are generally straitened for money.—In London, if a Mechanic wishes to learn the principles on which his operations proceed, such as Mathematics, the Principles of Mechanism, or Design, how is he to obtain that knowledge?

The Female Artists, who are to study the Arrangement of Dress, Embroidery, or Design.—How are they to be taught? In London, they cannot even obtain the knowledge by paying for it. In Paris, both classes of persons are taught gratuitously.

In these establishments we see the great cause, why, in matters of ornament and taste, Paris surpasses all other places in the World.—Yet, the expense of these establishments, so honourable, and so useful to the nation, and to individuals, is comparatively small.

The Free-School, Rue de Touraine, where young women are designed for working businesses, in which taste is either useful or necessary, are taught to draw all sorts of animals, flowers, and ornaments, is a most admirable establishment.

There are Annual Exhibitions, where medals and premiums are distributed to those who have made the greatest progress, and produced the best works.—And, it is found, by experience, that the progress made by the learners, on account of this emulation inspired, and the enthusiasm, is far greater than when persons are taught separately, and alone.

The Establishment is open three days in the week, on Mondays, Wednesdays, and Fridays, from eleven in the morning, till three in the afternoon.

It is proposed to begin a similar Establishment, in London, to be supported by voluntary subscription, and patriotism Humanity, and even national pride, will serve as inducements to support the undertaking.

In a country, so famous as England is for charities to the helpless, surely, the advantages of an Establishment, that will enable so many persons to help themselves, will meet with support and patronage.

It will not only enable females to excel in works of taste, but it will do what is much wanted, it will increase their means of existence, by enabling them to extend their labours to objects which they cannot now attain, painting on china or glass, earthenware, velvet, satin, &c. and while the individuals will be rendered independent, useful, and happy, the general taste of the operative part of the community will be improved, a circumstance greatly to be desired, and the attainment of which merits patronage and attention.

A. B.

LOGICA.

To the Editor of the Literary Journal.

SIR,—By inserting the Latin question, you will very much oblige me, and if you think proper, the English translation is at your service. I remain, Sir,

Your obedient servant,
PETROE.

Inter Corracem et Tisiam convenit ut hunc ille dialecticam doceret; idque hac lege, ut dimidium mercedis statim acciperet; reliquum cum discipulus causam vicisset. Primum exinde item cum discipulo contestatus est magister; cum mercedis reliquum lege peteret. Dicisne, lector, magistrum causam obtinere? Dico, acque obtinere neque amittere? dicisne, magistrum causam amittere? Dico, et amittere et obtinere. Dicisne,

discipulum vel amittere vel obtinere? Tibi dico illum et amittere et obtinere, illum neque obtinere neque amittere.

TRANSLATION.

LOGIC.

An agreement was made between Coracis and Tisia, that the former should teach the latter rhetoric, on condition that he receive half his price, at the commencement of his tuition, and the remainder when his scholar won a cause. Now, the *first cause* in which Tisia was engaged, was against his master, who demanded the remaining moiety of the money, at the conclusion of the scholarship. Do you say that the master will win? If so, I answer, that he will neither win nor lose. Do you say that he will lose? I answer, that he will both lose and win. Say you that the scholar either wins or loses? I answer, that he neither wins nor loses, and yet that he both loses and wins.

THE MAMMOTH.

We have always been of opinion, that the animal denominated the Mammoth, would one day be met with alive. Several approaches to this event, have, from time to time, occurred; and recent accounts from the banks of the Mississippi state, that it has, at length, been discovered actually in existence, in the western deserts of North America. According to the descriptions given of it, this colossus of the animal kingdom is not carnivorous; it lives on vegetables, but more particularly on a certain species of trees, of which it eats the leaves, the bark, and even the trunk. It never lies down, and sleeps leaning for support against a tree*. It is fifteen feet high, and has rather the shape of a wild boar than of an elephant. Its body is covered by a hairy skin, and it has no horn.

Shipwreck.

OBSERVATIONS,

WITH DIRECTIONS,

On the Method brought into Use by G. W. Manby, Esq., Captain in the Royal Navy, for saving Persons from Vessels stranded on a Lee-Shore.

(Continued from our last, p. 74.)
THE rope designed by me for the purpose of affording prompt relief to those who fall or are washed overboard from vessels at sea, may, in some cases, be useful in bringing persons on shore from vessels wrecked near the shore.

* This particularity is also ascribed to the Elk; and if it be true that the animal in question feeds on trees, it has probably some appropriate conformation, which, as in the Elk, is an obstacle to the recumbent posture.

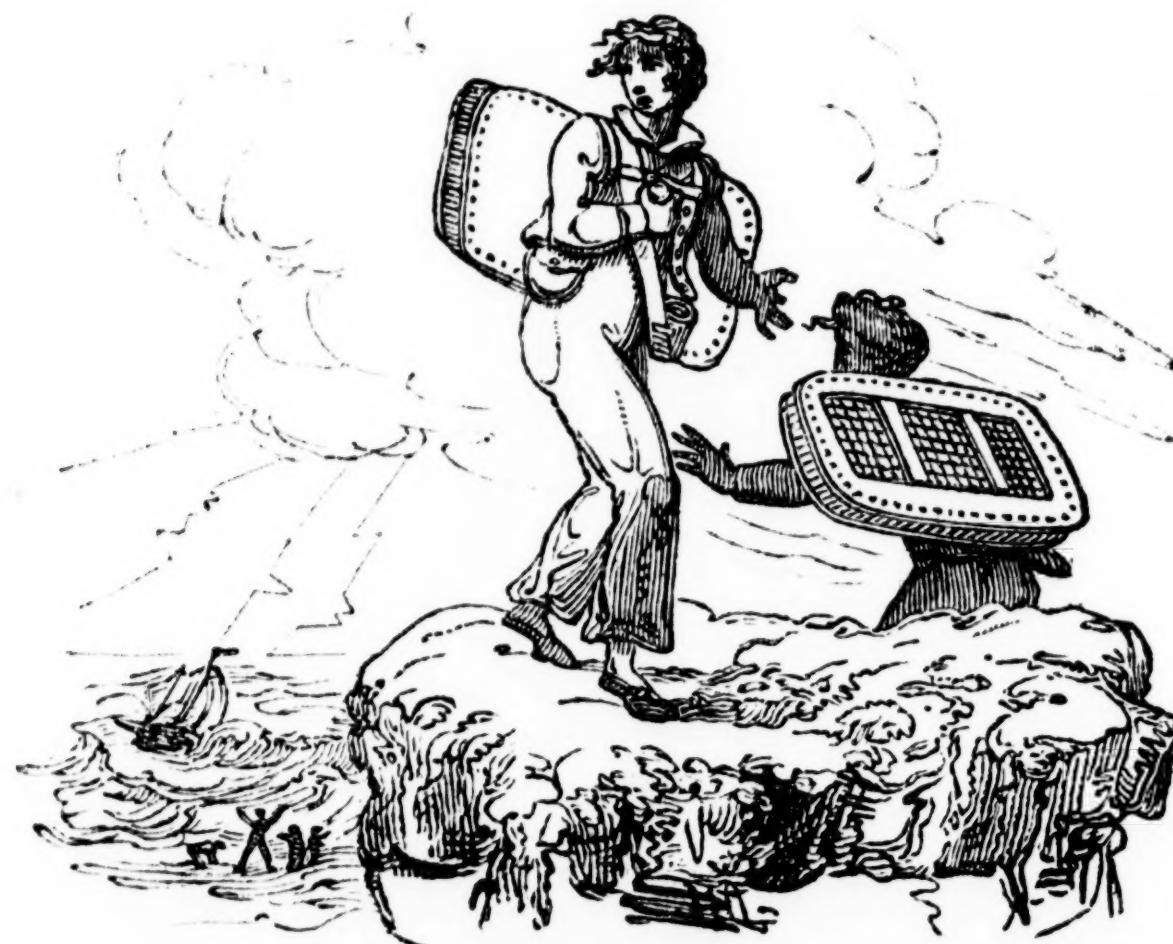


This rope has a noose that can be enlarged or contracted by the small wooden slide, or button, through which the spliced or double part of the rope passes. This noose is kept open by a piece of whalebone, that passes with the rope through a number of corks, which keep it afloat. A buoy, made of a piece of wood shaped like an egg, (which, as well as the corks, is painted white, that it may be better seen in the dark,) is fixed on the rope, that when grasped by a person in danger, is prevented by it from slipping through his hands, as might happen with a common rope. By this buoy, too, he can support himself while he is putting the noose

over his head and arm; having done which, he can secure himself in it, by pulling the slide or button to him, and may be drawn to the ship, and up the ship's side, without any injury; the corks performing the additional service of protecting him from being galled by the rope.

A mortar, so small as to be with its apparatus very light and portable, will afford the great benefit of hastening the moment of communication in cases where the vessel in distress is stranded at a considerable distance from the dépôt of the larger mortar and apparatus, (which cannot be moved with so much expedition,) and is, every minute, in danger of going to pieces. If any of the crew be at all able to assist themselves, they may draw on board to them, by the log-line that is projected to them from the small mortar, a rope strong enough to perform all the subsequent process requisite to their escape. This mortar may be dis-

patched with its apparatus by a man on foot, as was shown before a Committee of the House of Commons, on the 14th of May, 1814. The plate beneath represents the man as he was equipped, with the small mortar, and every apparel to it.



He had slung at his back, in the manner of a knapsack, a frame with conical pegs, (as before described, but of proportionably reduced size,) on which two hundred yards of log-line was wound, a two-pounder mortar in a socket hanging by a leather strap across his shoulder, and a box belted round his waist, containing gunpowder in cartridges, prepared tubes, a bottle of sulphuric acid for firing them, and pieces of primed port-fire and slow-match, the whole weighed no more than thirty-two pounds. The mortar, charged with two ounces of powder, was fired,

and projected the shot, with the log-line attached to it, upwards of one hundred and twenty yards. The powers of a small mortar may, however, be considerably increased by an additional weight given to the shot by the shape here represented. This shot has been used with much success. It has been ascertained, by experiment, that the range of the mortar with it, is considerably more than with a spherical shot of the same calibre. When it is

made to fit the mortar, as closely as possible, a great increase of velocity is gained, by the decrease of what is called the windage, and when it is wedged in, the range will be greater still. This, consequently, adds to the recoil, and care should be taken not to stand behind it.

The best method of rescuing persons from-vessels wrecked under a steep promontory or inaccessible cliff is, by a rope ladder, such as in the figure, which may be projected, like the plain rope, by a shot from the mortar.



To make this rope ladder, stiff loops, large enough to admit the foot, are spliced into a rope at the distance of a foot and a half from each other. It may, however, be much improved, when not required to be projected by the mortar, but merely lowered by the hand to the requiring assistance, by distending the bottom of each loop with a broad and flat piece of wood, of this shape, which will serve, at



once, as a rest for the foot, and to keep the rope at a more convenient distance from the rock to the person who is to ascend it.

The life-rope already described might also be found eminently useful in giving assistance to vessels driven in storms under high and steep parts of the coast.

It often occurs, when a vessel can no longer keep the sea, that she bears up, as

her only chance of safety, for a harbour, which she makes, and which would afford her a refuge, if there were a sufficient flow of tide at its entrance; but, unfortunately, not finding depth of water enough for her draught, she grounds on the bar, and offers not the least distressing species of shipwreck.

Although boats can readily go from the harbour with the ebb-tide, yet they are not able to approach the distressed vessel, from want of resistance to the blade of the oar amidst the broken water of the breakers that surround her; and near as they may approach to the vessel, assistance is as far off as ever.

My attention was consequently drawn to the construction of a small piece of ordnance to be fixed in the bows of boats, with a crate by its side, containing a line to be carried over the vessel by the shot projected from the mortar. In proceeding on this service, the mortar should be loaded and primed ready for instantane-

ous application, and, together with the crate, should be covered with a cloth, or tarpaulin, that the ammunition may not be wetted by the spray of the sea in the one, or the line displaced in the other. The man who steers will watch the moment when the boat is stem on with the object, and give the word to the person attending in the bow for that purpose, who will instantly fire the mortar; communication thus gained, the boat may be hauled by the rope to the vessel, and the crew saved.

The occurrence of shipwreck at distance from the land, which, unhappily, I have but too often witnessed, made it evident that great benefit would result from the discovery of a plan, by which a boat might at any time be gotten off from a flat beach with facility and certainty to the relief of the sufferers. The importance of the design was still more deeply impressed on me, by the endless relations which I heard of such instances of ship-



wreck, from persons resident on the different parts of the coast, that had happened year after year to the destruction of immense property, and, what is far more lamentable, the loss of great number of most useful lives.

I look back on no part of my various designs and efforts for stopping the waste of human life, by maritime accidents, with more satisfaction (nor do I consider any of greater importance) than my successful attempts to devise a plan of relief from shipwreck under such horrible circumstances. For this purpose two mooring-anchors, at least sixty yards from each other, are to be laid out parallel with the shore; some distance beyond the point at which the waves break in surf. These are to be connected by about forty fathoms of strong rope, or hawser, the

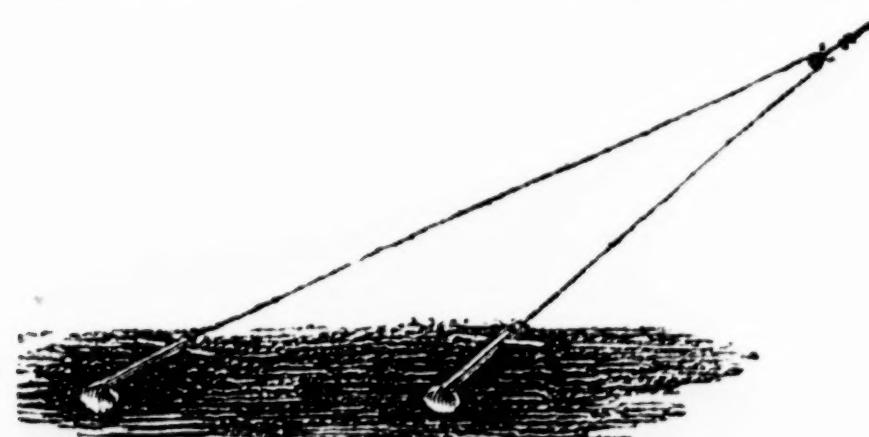
slack of which is to be suspended by a buoy fixed on the centre, as in the plate.

The buoy should be of sufficient size and power to keep the rope always suspended, as well to prevent it from being chafed on the bottom, where the bottom is rocky, as from being bedded in sand where the coast is sandy. The liability is so great in the latter case, that the experiment of having a hawser constantly out, made fast to an anchor in the offing was unsuccessful, the rope, when its service was required, having been inextricably buried in sand.

In laying out this apparatus, the exact depth at high water of the place where it is to be fixed should be ascertained, and the slack of the rope between the anchors so proportioned that the buoy may appear

above water at that point of the tide, and yet be unable, from want of more rope, to rise any higher; otherwise, on dropping with the falling tide, it will let the rope too much on the bottom.

For rendering this apparatus conducive to getting off a boat from a flat shore in a storm, when attempts by the mere power of the oars would be fruitless, bring the mortar to the beach, with the rope and hooking barbed shot attached to it, laid ready in the basket, or oblong wooden frame. This shot is to be projected over the rope joining the anchors, from the mortar, laid at as low an elevation as is consistent with a sufficient range; for the lower the elevation, the less will be the parabola or curve described by the flight of the shot, and consequently the less slack rope carried out.



The moment the shot has fallen, begin to haul in the slack of the rope with great quickness, to prevent the effect produced

on it by a rapid tide. The slack gathered in, let the rope be drawn gently towards the shore, that the barbed shot may catch

and fasten itself on the rope between the anchors. When it has effected this, it will bear the force necessary to haul off a

boat, through the surf, into water deep enough to admit of an effective use of the oars.

(To be continued.)

BRITISH GALLERY.

We visited, with pleasure, the British Gallery, on Saturday se'nnight, and again on Monday, and were happy to join in the merited applause bestowed upon the Directors, and the works of the British Artists now on exhibition. The display, on the whole, is honourable to the genius of the country. In the landscape department, Mr. P. Nasmyth has some very charming specimens. His composition is picturesque, his penciling sweet, and his effect clear and forcible. His View, near Woodford, Essex; Cottage scene, near Tunbridge-wells; Argyles Bowling Green, from Roseneath Castle; and Douglas Bridge, Argyleshire; are cabinet gems which would do credit to any collection. Stark continues to advance in public favor. No. 54, his Grove Scene, is a pleasing view; No. 210, his Sailing Match at Wroxham, is in an admirable taste; it comprehends a great variety of objects, a fine diffusion of day-light, and much brilliancy of effect. No. 215, his Interior of a Cow-house, is, also, a picture of great merit. Vincent's Cottage Scene is a pleasing spirited picture, but the shadows on some parts of the cottage, are rather too dark for their relative effect. His View on the River Ware, No. 71, is a capital specimen of his abilities; in happy selection, picturesque variety of object, sprightliness of touch, truth of local colouring, and richness of effect, it holds a first place in the landscapes of this year. Collins, to whose pure taste and fine feeling of nature, we are indebted, not only for his own delicious pictures, but for a rising school of landscape painters, has nothing new. His pencil has been busy, in obedience to the call of a munificent patron of British art, for a few months past, in painting an important picture for a splendid private collection. His brilliant picture, No. 11, The Departure of the Diligence from Rouen; and No. 85, a Scene on the coast of Norfolk, are now re-exhibited, and, like every other good picture, they improve the oftener they are examined. No. 228, by J. J. Ellis, is a coast scene, with shipping, boats, and figures; a rich glow of sun-light, an airy play of clouds, and a tasteful combination, which, in marine composition, places him without a superior in this year's exhibition. We have not before met the name of this artist, who has thus become an object of general inquiry, and, all at once, started into rank and estimation. Burnet advances, with a quick pace, to occupy the distinguished rank of his lamented brother. He has this year some exquisite cabinet gems; 103, cottages and figures, has the richness and vigorous effect of Ostade, with a more agreeable taste; 230, a Fisherman's Hut, Isle of Wight, is a very charming picture; and, in the fresh-

ness of the local colour, his very best, production; 230, Boy and Cattle, is a pleasing and spirited composition; but somewhat mannered in the colouring.—87. Anne Page and Slender, by C. R. Leslie, has great comic spirit. Slender is one of the most laughable pieces of inflated folly we have seen on canvas; Anne Page is sprightly and agreeable; and the back ground is in an excellent taste.—245. Cromwell, Earl of Essex, presenting an old benefactor to his friends, by Foggo, is a picture of great merit; the figures are cleverly grouped; the heads painted with great breadth and force, and the expression strong without exaggeration.—205. A Scene from Gil Blas, by Stephanoff, is designed and drawn in a good taste: the fright of the old woman is well expressed; and the other figures are spirited and agreeable. The effect is rich and forcible.

In the highest class of history, Hilton's glorious picture of Una, from Spenser, takes the lead, and with his *chef d'autre*, the Europa, painted on a commission for that rallying ground of British genius, Sir John Leicester's splendid gallery, challenges the competition of all the living painters on the continent. This artist has retouched this magnificent composition since it was exhibited last year: deepened the masses of light and shadow and toned the fierce effulgence of its colour. Una is now the sweet and gentle Una of the poet, and yet—good God!—yet—this triumph of the Royal Academy and glory of the British school is unsold!—No. 1. Moses receiving the Tables of the Law, by W. Brockedon, is hung by the Directors full in front of the great staircase, and a noble show it makes in that distinguished place. The artist has made a wonderful advance in this performance. This majestic figure is considerably above the size of nature; the attitude is striking and grand. The prophet is just bending the left knee to the earth and supporting his body on the right limb, while he receives the tables from the Most High. The dark clouds and flame surround Mount Sinai, on whose top he holds communion with Heaven. The deep sense of an adoring spirit is finely expressed by the action of receiving the tables, with his arms raised above; the head bowed and eyes bent in reverential awe. It exhibits the weakness of human nature, even when covered with the Divine favour, retiring within itself, humbled and overpowered by the presence of the Eternal. The grandeur of the conception, and power of the execution, place this among the first class of historical single figures in the highest department of the British school. The drapery is simple and large in its folds. The colouring is grave; the drawing, and particularly the fore shortened knee, masterly; the chiaro-scuro vigorous; and the whole character marked by an intensity and elevation, which peculiarly breathe the spirit of Sacred History. This artist has, also, two small easel figures. No. 61.

The mother is a fine thought, but not sufficiently studied; the child is beautifully conceived; but the head of the mother wants re-painting. The picture is evidently a hasty and indigested performance. 262. Ariel is more finished, and the wild and fanciful grace of the figure does credit to Mr. Brockedon's tasteful invention. No. 14. A head of Shylock, by Jackson, has great vigour of character, and power of painting. No. 21. Landscape, Cattle, and Figures by Richard Westall, R. A., is designed with tasteful simplicity, and painted with much breadth and mellowness. It is more free from manner than usual with this excellent artist; and certainly one of the best pictures which we have lately seen from his pencil. No. 43. Ullswater; No. 98. Shefield by Moon-Light; and 166. Goodrich Castle, South Wales, Evening, are three picturesque and pleasing pictures, from the classical pencil of Hofland. The mellowness and chastity of effect, in the two latter, are in his best style. No. 180. A scene at White Knights, the seat of the Duke of Marlborough, and No. 191. Patterdale, Morning, by this artist, are equally agreeable. Hofland has the delicate feeling and fancy of a pastoral poet; but he may still, without losing any of his breadth or repose, add a little to the vivacity of his local colours, and be less general in the touching of his foliage. No. 82. A Dance at St. Cloud, and No. 86. The Boulevards, Paris, by H. Chalon, are designed with much spirit, and national character, but are too hard in the penciling, and broken in the effect. No. 254. A Gamekeeper questioning some boys, on their being found with a sporting dog, is also dry in the touch, and hard in the colouring and effect. No. 23. Gil Blas and Diego meeting the Player, by the same painter, is cleverly designed, and the landscape is in a fine taste; the colouring bright, and the effect very lively and agreeable. This artist has elegance of fancy—an eye to colour—and practical skill, but is too often inattentive to harmony. No. 181. A view of the Reculvers, by J. Ward, R.A., is a sultry effect, painted with great vigour; and the picture is valuable, not only for its merit, but as a faithful representation of a building which will probably be soon swallowed by the sea. No. 190. The Tired Model, a study from nature, by this able and versatile artist, is a bold and masterly sketch, from a homely and unpleasant object; very fit to hang up as a useful reference in an artist's painting room, but not sufficiently harmonized for the general eye, in an exhibition. It is not a favourable specimen of the powers of our worthy friend. We are convinced, that he could have exhibited many pictures more calculated to shew the richness of his fancy, and please the generality of visitors. Ward has varied powers, and high powers, and we only wish him to do himself justice. No. 185. A Newfoundland Dog and Rabbit, by Edwin Landseer, is like nature, and well painted, but somewhat too still;

No. 105. The Cat Disturbed, by the same young artist, is a fine specimen of his abilities. The conception is good, and the expression of the animals excellent. A rat is caught, and alive, gnashing its teeth in the trap, with all its fear and fury, collected for a last desperate effort. A dog is before the trap, looking up at a Cat, which has climbed in affright above the reach of its natural enemy. In penciling, drawing, disposition, colouring, and effect, this is one of the best animal pictures in the rooms.

No. 77. An Italian Peasant Boy, by G. Hayter, has a good character of nature, but there is a want of gradation in the flesh tints; they are rather too red, and the head seems (of this we speak diffidently) somewhat too large for the limbs. The Greyhound is designed in a good taste; the landscape is fanciful, and the whole painted with firmness, freedom, and a forcible effect.

W. C.

(To be continued.)

TRIAL BY BATTLE.

Mr. Taylor, in prefacing his useful notice of a motion, in the Court of Common Council, respecting Appeal of Murder, seems to have indulged in the common error of supposing that freemen of cities can, in no case, have any connection with Trial by Battle; but this doctrine has been distinctly refuted, and the extent and grounds of the real privilege in question explained, in Mr. Kendall's Argument on Appeals of Murder, page 122, and page 206.

Fugitive Poetry.

ENIGMA.

Sum Trinus et unus; principium mundi et finis,
Omnium: per me omnia facta sunt, et tamen
non sum deus.

EPITAPHS

In St. Quicke's Church Yard, Ayr, N. B.

DEAR sirs, wha lies here?
'Tis me, Robin Wilson, why need ye spier?
O losh, Robin, is this you?
Och, aye, but I'm dead now.

ON AN EPICURE.

HERE lies a famous belly slave,
Whose mouth was wider than his grave;
Reader, tread gently o'er his sod,
For if he gapes, you're gone, by —.

ON A SPENDTHRIFT.

BELLOW this bit slate
He lies lifeless an' caul,
That drank an estate
An' was dry after all.

ON A MISER.

His Body's buried here,
An' how his spirit fares
I canna say; but this I'll swear,
There's none that ken'd him carc's.

ST. VALENTINE'S DAY.

FEBRUARY THE 14TH.

ST. VALENTINE was a Presbyter of the Church, who was beheaded in the time of Claudius the Emperor; there is no occurrence in the legendary life of this Saint, in the slightest degree connected with the customs which have long been observed on this day, though Wheatley informs us, that he "was a man of most admirable parts, and so famous for his love and charity that the custom of choosing valentines upon his festival (which is still practised) took its rise from thence *."

It is a very general custom of doubtful origin, but of great antiquity, for young people to draw lots on the eve of Valentine's Day: the names of a select number of one sex are, by an equal number of the other, put into some vessel, out of which each person draws one, which is called their valentine, and is looked upon as a good omen of their being man and wife afterwards.

This custom of choosing valentines was a sport practised in the houses of the gentry of England, as early as the year 1476, and John Lydgate, the Monk, of Bury, alludes to it in a poem written by him in praise of Queen Catherine, consort to Henry V, as follows:—

" Seynte Valentine, of custom yeere by yeere,
Men have an usuance in this regioun
To loke and serche Cupid's kalendere,
And chose theyr choyse by great affection;
Such as ben prike with Cupid's moscioun,
Takynge theyre choyse as theyr sort doth falle:
But I love oon which excelleth alle †."

In Dudley Lord North's Forest of Varieties, in a letter to his brother, he says, "A lady of wit and qualitie, whom you well know, would never put herself to the chance of a valentine, saying that she would never couple herself but by choyce. The custom and charge of valentines is not ill left with many other such costly and idle customs, which, by a tacit general consent, we lay down as obsolete."

The "charge" and "costly costume" here mentioned, most probably refers to the making of presents on this day, which the learned Morrison tells us was frequent; and, in the British Apollo, we have the following decision on the subject of presents.

"Question.—In chusing valentines (according to custom) is not the party chusing (be it man or woman) to make a present to the party chosen?

"Answer.—We think it more proper to say, drawing of valentines, since the most customary way is for each to take his or her lot, and chance cannot be termed choice. According to this method, the obligations are equal, and, therefore, it was formerly the custom mutually to

present, but now it is customary only for the gentlemen. *"

" In "Carolina, or Loyal Poems, by Thomas Shipman, Esq." is a copy of verses, entitled "The Rescue," 1672. To Mrs. D. C. whose name being left after drawing valentines, and cast into the fire, was snatch't out.

" I, like the Angel, did aspire
Your name to rescue from the fire.
My zeal succeeded for your name,
But I, alas, caught all the flame!
A meane offering thus suffis'd,
And Isaac was not sacrific'd."

That facetious observer of old customs, Poor Robin, in his Almanack for 1676, on St. Valentine's day, has—

" Now Andrew, Antho-
ny, and Willam,
For valentines draw
Prue, Kate, or Julian."

The custom of drawing for valentines is still observed in the northern counties of England, where also the first woman seen by a man, or man seen by a woman, on St. Valentine's day, is marked for their valentine for the ensuing year.

The rural tradition that, on this day, every bird chooses its mate, is alluded to by numerous writers. Chaucer has this idea in the following lines:—

" Nature the Vicare of the Almichtie Lord,
That hote, colde, hevie, light, moist, and drie,
Hath knit by even number of accord,
In easie voice, began to speak and say,
Foules take hede of my sentence I pray,
And for your own ease in ford'ring of your
need,

As fast as I may speak I will me speed.
Ye know me well, how on St. Valentine's Day,
By my statute, and through my gover-
naunce,

Ye doe chose your makes, and after flie away
With them as I pricke you with pleasaunce.'
Shakespeare, in his Midsummer's Night's
Dream, says:—

————— "Saint Valentine is past;
Begin these wood-birds but to couple now."

And Herrick, in his Hesperides, has the following:—

" To his Valentine, on St. Valentine's Day."
" Oft have I heard both youth and virgins
say,
Birds chuse their mates, and couple too, this
day;
But, by their flight I never can divine,
When I shall couple with my valentine."

But the prettiest allusion to this tradition, is in the following elegant *Jeu d' Esprit*:

TO DORINDA, ON VALENTINE'S DAY.

" Look how, my dear, the feather'd kind,
By mutual caresses joynd,
Bill, and seem to teach us two,
What we to love and custom owe.
Shall only you and I forbear
To meet and make a happy pair?
Shall we alone delay to live?
This day an age of bliss may give.
But ah! when I the proffer make,
Still coyly you refuse to take;
My heart I dedicate in vain,
The too mean present you disdain.

* British Apollo, Vol. ii. No. ii. Lond. 1709.

* Illustrations of the Common Prayer, p. 61.

† Harleian MS. 2251.

Yet since the solemn time allows
To choose the object of our vows;
Bodily I dare profess my flame,
Proud to be your's by any name.*

Misson, in his travels in England, has the following observations on Valentines:

"On the Eve of the 14th of February, St. Valentine's Day, a time when all living nature inclines to couple, the young folks, in England and Scotland too, by a very ancient custom, celebrate a little festival that tends to the same end. An equal number of maids and bachelors get together, each writes their true or some feigned name upon separate billets, which they roll up, and draw by way of lots, the maids taking the men's billets, and the men the maids; so that each of the young men lights upon a girl that he calls his valentine, and each of the girls upon a young man which she calls her's. By this means, each has two valentines; but the man sticks faster to the valentine that is fallen to him, than to the valentine to whom he is fallen. Fortune having thus divided the company into so many couples the valentines give balls and treats to their mistresses; wear their billets several days upon their bosoms or sleeves, and this little sport often ends in love! This ceremony is often practised differently in different counties, and according to the freedom or severity of madam Valentine. There is another kind of valentine, which is the first young man or woman that chance throws in your way in the street, or elsewhere, on that day."†

Gay has left us a poetical description of some rural ceremonies used on the morning of this day.

"Last Valentine, the day when birds of kind
Their paramours with mutual chirpings fir'd,
I early rose, just at the break of day,
Before the sun had chas'd the stars away;
A-field I went, amid the morning dew,
To milk my kine (forso should housewives do),
Thee first I spied, and the first swain we see,
In spite of fortune, shall our true love be."

And in the Connoisseur, we have the following account of a curious species of divination practised on St. Valentine's day:—

"Last Friday was Valentine's day, and the night before I got five bay-leaves, and pinned four of them to the four corners of my pillow, and the fifth to the middle; and then I dreamt of my sweetheart. Betty said we should be married before the year was out. But to make it more sure, I boiled an egg hard, and took out the yoke, and filled it with salt; and when I went to bed, eat it, shell and all, without speaking, or drinking after it. We also wrote our lovers' names upon bits of paper, and rolled them up in clay, and put them into water, and the first that rose up was to be our valentine. Would you think it, Mr. Blossom was my man. I lay a-bed and shut my eyes all the morning, till he come to our house; for I would

* Satyrs of Boileau Imitated, with other Poems, 8vo. Lond. 1696, p. 101.

† Misson's Travels through England, Ozell's Translation, p. 330.

not have seen another man before him for all the world."

The customs of St. Valentine's day, seem at present confined to that of young people sending complimentary or satirical letters to their acquaintance, sometimes accompanied with a caricature engraving; and to such an extent is this custom carried, that in London alone, the increase of two-penny post letters on St. Valentine's day, generally exceeds twenty thousand.

Fine Arts.

LECTURES AT THE ROYAL ACADEMY.

PROFESSOR FUSELI's second lecture was on Design. The first spoke of A. in A.'s most simple and specific meaning, the delineation of any given form. This imitation by lines was the first step towards the progress of the student, and on which every thing else depended: colour, he observed, vanished, but lines remain. Correctness and style, incorrectness and manner, were the essence and the bane of imitation. When the student, by practice, has acquired correctness of hand and eye, and can give a representation of any object, he then exercises his taste and judgment in the selection of forms. Nature, and not fashion, is to be followed. From the one, you derive an extensive acquaintance of the real forms of nature, distinct from accidental deformity; from the other, you acquire meanness and manner. He here alluded to the meanness of the forms of Albert Durer and Rembrandt. The reason why a student, on his entry into the academy, is placed first before the antique, is, that he may acquire a proper idea of the form of the human figure from those standards which have been handed down to us from the Greeks. He earnestly recommended to the students not to be in a hurry to enter the living academy, without having acquired the advantages the antique academy offered: it too often proved their ruin, with regard to the high walks of art. He spoke of the necessity of the form corresponding with the character of the person represented, and instanced those models of style and character, the Apollo, the Hercules, and the Gladiator. As a farther illustration, how much a person would be in error by representing an European scull with the colour of a Negro. The forms of Galitius were to be preferred to the meanness of Albert Durer. This lecture was concluded by an address to the students, in which he said that the great object of the academy was to foster where it saw hope, but that it was the duty of the professors to deter rather than delude.

ENAMEL PAINTING.

Among the novelties in Art, preparing for the ensuing exhibition, is a Painting in Enamel, which, we will venture to predict, will attract considerable attention, and no small share of admiration. It is a copy from a very famous picture, by

Parmegiano, in the collection of Sir Thomas Baring, bart., and represents the Holy Family, consisting of Joseph, Mary, and the Infant Christ, naked, and holding a Swallow in one hand; St. John, Elizabeth, and an Angel. These figures fill up the whole of the panel.

For richness, force, and solemn dignity of colouring, few pictures surpass the one now under notice. It is replete with the varied excellencies of the Italian and Venetian schools. In reducing it to a small surface, and perpetuating it by enamelling, Mr. Muss has performed at once an arduous, skilful, and praiseworthy task. By the enamelled process, this valuable painting is thus rendered permanent to the latest ages; and when the original is perished, all its characteristic excellencies of colour, composition, design, &c. will be thus preserved. One peculiarity, in the present enamelled picture, demands our notice and congratulation. Hitherto, it has been deemed impracticable to execute an enamelled plate, with a smooth and level surface; all that have been previously done, have been uneven and disfigured by undulating swellings and hollows; whereby the painting, however beautifully executed, was greatly injured in effect. Not so in the present work; for here we have a plate, 21 inches by 15 $\frac{1}{2}$, larger than any before executed, in this or any other country, perfectly flat. The artist has, in this instance, surmounted one great difficulty and obstacle in this branch of his profession: and having done this on so large a scale, he will easily turn out smaller plates in the same manner. This novelty in enamel painting, is one of the numerous advantages derived from the modern study of Chemistry. It is a gratifying reward for numerous experiments: it is a great prize in the lottery of speculative art. Our object of noticing it now, is chiefly to congratulate the artist and the connoisseur, that such a work has been effected, and we shall have another opportunity to speak of its execution.

NEW PUBLICATIONS.

February 3 to 10, 1818.

BIOGRAPHY.

An Eulogium on Sir Samuel Romilly, pronounced at the Royal Atheneum of Paris. By M. Benjamin Constant. Elated by Sir J. C. Morgan. 8vo. 4s. 6d.

Historic Doubts, relative to Napoleon Bonaparte. 8vo. 2s.

Letters from the Hon. Horace Walpole to the Rev. Mr. Cole, now first published. 4to. 11. 7s.

DRAMA.

The Siege of Troy; a Drama, being a Whipping for the Westminster Dormitory Actors. By John Buxton Busby. 8vo. 1s. 6d.

HISTORY.

Evans's Parliamentary Reports, for 1818. 8vo. 11. 11s. 6d.

LAW.

An Argument for construing largely the Right of an Appellee of Murder to insist on Trial by Battle; and also for abolishing Appeals; with Notes and an Appendix. By E. A. Kendall, Esq. F. A. S. 3d Edition. 8vo. 7s. 6d.

Anti-Duello; or, The Duel's Anatomic: a Treatise in which is discussed the Lawfulness and Unlawfulness of Single Combats: a Discourse wherein is discussed this Question, viz. Whether a Christian Magistrate may lawfully grant a Duell for deciding of the matter, when the true author of some fact committed cannot evidently be discovered. First printed in the year 1632. With a Preface by the Editor, and an Appendix 8vo. 4s.

Observations upon the Case of Abraham Thornton; with an Authentic Account of the Evidence given at the Trial; and a correct plan of the locus in quo. By Edward Holroyd, of Gray's Inn. 8vo. 3s.

MEDICINE AND SURGERY.

The Dublin Hospital Reports, and Communications in Medicine and Surgery. Vol. 2. 8vo. 13s.

A Treatise on two of the most important Diseases which attack the Horse. By Wm. Wilkinson. 4to. 12s.

A System of Pathological and Operative Surgery, founded on Anatomy. By R. Allan. Vol. 1. 8vo. 2s. 6d.

MORALS.

The Enjoyments of Youth, a Groundwork to the Comforts of Old Age. 8vo. 7s.

NOVELS.

The Intriguing Beauty, and the Beauty without Intrigue. 3 vols. 12mo. 18s.

Civilization; or, the Indian Chief and British Pastor. 3 vols. 12mo. 18s.

The Fables of Pilpay, an Indian Philosopher. 12mo. 6s.

PHILOLOGY.

A Polyglott Grammar, in which the Genius of the principal Ancient and Modern Languages is explained, upon a new and simple principle of Analysis; the whole forming a Grammatical Apyratus to the Polyglott Bible. By the Rev. F. Nolan. 2 vols. 12mo. 5s.

POETRY.

Genius of British Poesy, Devotional, Elegiac, and Preceptive. 32mo. 2s. 6d.

Human Life; a Poem. By S. Rogers, Esq. 4to.

Illustrations of Affection, with other Poems. By G. H. Toulmin. 12mo. 6s.

Emigration; a Poem: in Imitation of the Third Satire of Juvenal. 8vo. 1s. 6d.

POLITICAL ECONOMY.

A Letter to the Rt. Hon. the Earl of Liverpool, first Lord of the Treasury, &c. on the Impossibility of a speedy Return to Gold Currency. By Charles Lyne, Esq. 8vo. 2s.

Thoughts on the Funding and Paper System, and especially on the Bank Restriction, and Resumption of Cash Payments, as connected with the National Distresses; with Remarks on the observations of Mr. Preston and Sir John Sinclair, addressed to the Landed Interest. By N. L. Denison, Esq. 8vo. 3s. 6d.

A Letter to Viscount Sidmouth, on the Transportation Laws, the Hulks, and the Colonies in New South Wales. By the Hon. Henry Grey Bennet, M. P. 8vo. 5s.

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A Letter to the President of Bethlem Hospital, upon the Question as to the Expediency of Appointing a Chaplain to this Institution. From a Governor.

THEOLOGY.

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Practical Sermons on Various Subjects. 8vo. 7s.

TRAVELS.

The Coliseum; or, a Letter from Rome. By the Rev. Aubrey George Spencer. 8vo. 1s. 6d.

VOYAGES AND TRAVELS.

Recollections of Japan; comprising a particular Account of the Religion, Laws, &c. By Captain G. Townin, R. N. 8vo. 12s.

The Drama.

COVENT-GARDEN.—The Beggar's Opera, (compressed into two acts,) was performed, for the first time this season, on Thursday se'nnight. Whatever may be the peculiar merits of the production, (and it certainly contains many admirable strokes of humour and of character,) they are purchased at such a sacrifice of every thing that is attractive in society, they are accompanied by such a laxity of morals, and such a disgusting train of thieves, informers, and prostitutes, that the whole exhibition, in our opinion, is perfectly revolting and unworthy the contemplation of civilized audiences. If the music of this opera were not of the most exquisite beauty, we can never imagine that it would ever have passed the first public ordeal, and, at any rate, the time has long since gone by when any other attraction forms the leading inducement to visit the theatre on the nights of its performance. In fact, the Beggar's Opera, in this respect, is a complete bee-hive of sweets, and to the excellence of the airs, whether selected or original, we subscribe in the most unlimited degree. Miss Stephens's Polly is one of her most perfect triumphs; it is excelled by only one other performance, and that is, her own Mandane, in Artaxerxes, of which we forbear at present to speak, as we trust the managers, previous to her retirement, (for we understand she will shortly quit the stage,) will give us an opportunity to mention it distinctly. Miss S. approached her task with great diffidence on the present occasion, and seemed to fear that she should not execute it with her usual facility; but the first notes she uttered dispelled our doubts on the subject, and must have reassured her want of confidence. Her voice was never more firm nor flexible, and the succession of beauties which she elicited was truly astonishing; we had scarcely finished admiring one display, before she burst upon our ravished senses with another, and caused us at length to remain in a continual state of rapture and delight till the finale. The terms of panegyric might in vain be lavished on her delivery of "Cease your pursuing," without affecting the purpose of properly detailing its overpowering qualities. Those who are fond of music, and have not yet heard it, have lost the enjoyments of one of the greatest treats which it is possible for the vocal art to bestow. She was encored in this as well as three or four former airs, and had the audience consulted their own wishes, without reference to their humanity, she would have been forced to repeat every individual song.

On the pretensions of Mr. Hunt, the new Macheath, we are rather puzzled how to decide. This singer is not without defects, but amongst those defects we have not to reckon either a want of taste or of musical knowledge; unfortunately, however, his faults appear to be natural and inherent, and, therefore, beyond the

pale of correction. Though his falsetto was excellent, yet the change from that to his lower notes was abrupt and indistinct, and the notes themselves resembling the hoarse grumblings of the bassoon. We hope, (though it is rather a curious wish,) we hope he was labouring under a cold, because, in that case, a second appearance will tend to do away with one very unpleasant effect in his singing; and we place so much reliance on his taste, which was exceedingly pure, that if the difficulty to which we have just alluded could be overcome, we should entertain the strongest conviction of the solid establishment of his reputation. He was very favourably received, and frequently encored.

Mrs. C. Kemble's Lucy was exceedingly good, and only inferior to Miss Kelly's representation of that confirmed virago. Mr. Blanchard's Peacham, Mr. Emery's Lockett, Mr. Simmons's Filch, and Mrs. Davenport's Mrs. Peacham, were all equally replete with comic talen.

The revived farce of Who's the Dupe, is rather tedious than amusing, and Mr. Farren's Old Doily was as stiff as any of his recent performances: whatever laughter he produced was attributed to the character, and not to the actor. Mrs. T. Hill is an agreeable lively actress.

The house was crowded. W. B.

Original Poetry.

IMITATION OF HORACE,

BOOK 4. ODE 2.

He who attempts to rival Southey,
May waste whole scores of pens and candle's;
But never with so deep a mouth he
Can treat those themes our laureat handles. 1

His tide of verse impetuous going,
Sure of the Regent's approbation,
In swelling dithy rambles flowing,
Free from all classic regulation. 2

Whether of courts and camps he sings,
Extolling every regal crony;
The true legitimate breed of kings,
Who overthrew the French and Boney. 3

Or celebrating Gallic Joan,
Her feats of horse and foot rehearses,
Which live in monumental stone,
But best of all in Southey's verses. 4

Now Madoc's valour claims his lay,
Or Thalaba, torn from his bride;
Or fierce Kehama's magic sway;
Or he who tamed the Moorish pride. 5

Aloft th' inspir'd poet flies,
Amid the cloudy fields of air;
That path the bardling often tries,
But quits the effort in despair. 6

My model is the active bee,
Who wanders forth in quest of honey;
I rove, as gay and wild as he,
From great to little, grave to funny. 6

The praises of Hibernian pride,
O Southey, 'tis for thee to sound;
When victory, to his arms allied,
At Mout St. Jean her darling crowned. 7

A greater name on fame's bright page,
Our country never shall behold:
Nor know, than this, a happier age,
Unless the Bank should pay in gold.
Then chuse his grace's safe return,
As subject of thy next prolixion;
And England's pleasure to discern,
The Congress brought to a conclusion.
Perhaps, then, my muse a note may wake,
Which Jeffrey's suffrage might obtain;
And for a topic she shall take,
The downfall of Napoleon's reign.
And when thou pour'st the well wrought song,
And festal bonfires smoke and blaze,
I'll slip amidst the joyous throng,
And join the general huzzas.
Full twenty tomes thy works contain,
Eushrin'd in costly Russian leather;
While all the produce of my brain,
One slender pamphlet holds together.
In colour'd paper humbly eased,
Just like the Edinburgh Review;
The front with shining yellow graced,
And both the sides with Prussian blue.

1 *Pindarum quisquis studet æmulari
ceratis*
Nititur pennis.

2 *Laurea donandus Apollinari,
Seu per audaces nova dithyrambos
Verba devolvit, numerisque fertur
Lege solutis.*

3 *Seu deos, regesque canit deorum
Sanguinem, per quos cecidere justa
Morte centauri, cecidit tremenda
Flamma Chimærae.*

4 *pugilemve equumve
Dicit, et centum potiore signis
Munere donat.*

5 *Flebili sponsæ juvenemve raptum
Plorat, et vires, animumque, moresque;
nigroque
Invidet orco.*

6 *Multa Diræcum levat aura cyenum,
Texit quoties in altos
Nubium tractus; ego apis matinæ
More modoque,
Grata carpentis thyma per laborem
Plurimum.*

7 *Concines majore poeta plectro
Cesareum, quandoque trahet feroce
Per sacerum clivum, merita decorus
Fronde, Sygambros.*

8 *Quo nihil majus, meliusve terris,
Fata donavere, bonique divi
'Nec dabunt, quamvis redeunt in aurum.
Tempora priscum.*

9 *Concines lætosque dies
super impetrato
Zortis Augusti redditu, forunque
Litibus orbum.*

10 *Tum meæ, se quid loquar audiendum,
Vocis accedet bona pars.*

11 *Tuque dum procedis, io triumpho,
Non semel dicemus, io triumpho,
Civitas omnis, dabimusque divis
Thura benignis.*

12 *Te deceam tauri, totidemque vacæ,
Me tener solvet, vifulus*

13 *Fronte curvatos imitatus ignes,
Tertum lunæ referentis ortum*.
Qua notam duxit, nivens videri,
Cætera fulvus.*

* i.e. Appearing every three months.

TO CORRESPONDENTS.

8 T. R. in our next.
"To Mandane," a "Valentine to Maria," and "An Acrostic" on Elizabeth, must be omitted.
9 Mr. BARBER BEAUMONT's second Paper on Public-house Licensing is unavoidably deferred, till next week.
We are curious to learn the sequel of RUBIO's misfortunes, before submitting it to our readers.
10 Complete Sets of the LITERARY JOURNAL, No. 1, to No. 40, may now be had of the Publisher, in separate Numbers, price Sixpence each: Quarterly Parts I and III, price Seven Shillings and Sixpence each, and Part II, price Eight Shillings; or entire Volumes, handsomely half-bound, in green roan, uncut, price Twenty-five Shillings. The Quarto Map of the Polar Regions, printed in No. 2, may also be had separately.
11 Answers to several other Correspondents must be postponed.

ADVERTISEMENTS.

TRIAL BY BATTLE.

*Published this day, by Baldwin, Cradock, and Joy,
Paternoster Row, and Clarke and Sons, Portugal
Street, Lincoln's Inn Fields.*

I.

ANTI-DUELLO; OR,

THE DUEL'S ANATOMIE:

A Treatise, in which is discussed the Lawfulness and Unlawfulness of

SINGLE COMBATS:

A Discourse wherein is discussed this Question, viz. Whether a Christian Magistrate may lawfully grant a Duell, for deciding of the matter, when the true author of some fact committed cannot evidently be discovered?

First printed in the Year 1632. With a Preface by the Editor; and an Appendix.

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An ARGUMENT for construing largely the Right of an Appellee of Murder to insist on TRIAL BY BATTLE; and also for ABOLISHING APPEALS; with Notes, and an Appendix, containing a Report of a Debate in the House of Commons, on a Clause for Abolishing the Appeal for Murder in the British North American Colonies, &c &c.

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Quarterly Review, February, 1818.

"His disquisition is written with much vigour, and evinces great research. Nothing that can illustrate this obscure subject seems to have escaped his notice; and the historian and legal antiquary may derive no small information from his labours."

Literary Panorama, April, 1818.

III.

Preparing for Publication, (by the same Author).
THE HISTORY, REASON, and LAW of TRIAL by BATTLE; including an Exposition of the Nature of APPEALS OF FELONY and of WRITS OF RIGHT; as also some inquiry into the Administration of Civil and Criminal Justice in Europe, during the Middle ages, and into the Ancient and Modern Notions of Trial by Jury, and of the Theory of Evidence.

"A message from the Lords, by Attorney and Mr. Serjeant Crook:—An Act to Abolish all Trials by battle:—committed to Sir Edward Coke, Mr. Noy, Sir William Fleetwood, all the lawyers of the House, and soldiers."—*Journals of the House of Commons, March, 22, 1623.*

"Mr. Solicitor reporteth the Bill of Battle,—That the Committee thinketh it not fit it should proceed; but rest to be advised of."—*Ibid. May 29.*

IV.

COUNSEL FOR PRISONERS.

In a few days will be published, (By the same Author).

A LETTER to SIR SAMUEL SHEPHERD, Knt. M. P. His Majesty's Attorney-General, on the Administration of Criminal Justice in the English Courts, and particularly on the NON ALLOWANCE OF PLEADINGS OF COUNSEL FOR DEFENDANTS, in Prosecutions for Felony by Indictment.

Audi alteram partem.—Hear both sides.

"I apprehend that Criminal Laws were made to save the lives of persons, and not to destroy them."

Mr. Attorney Stanley.

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This Day was published,

No. I, of THE DELPHIN AND VARIORUM CLASSICS, with the Variorum Notes; price 10s. small, and 11. 18s. large paper, till the 1st of April, when the price will be raised to 20s. and on the 1st of June to 21s.; large paper double.

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6th Feb. 1819.

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